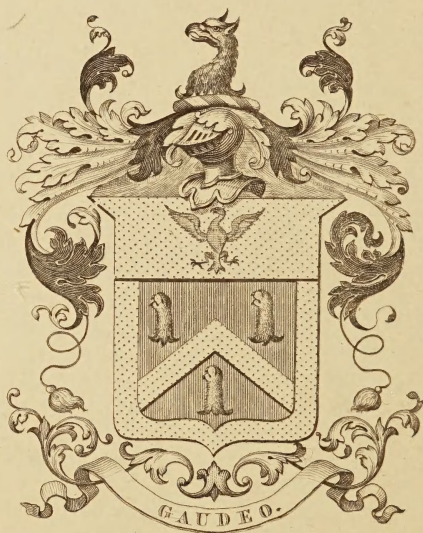
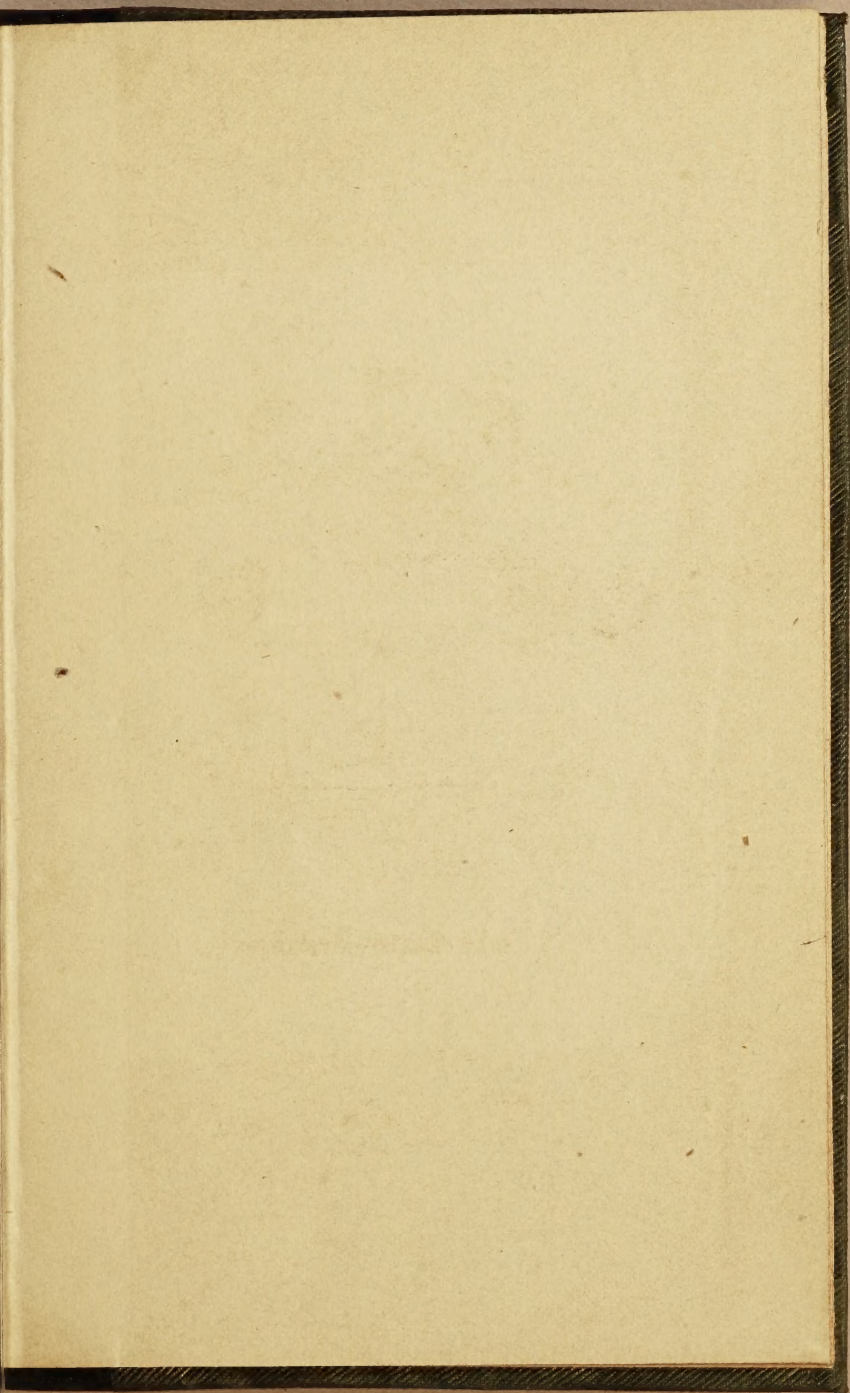


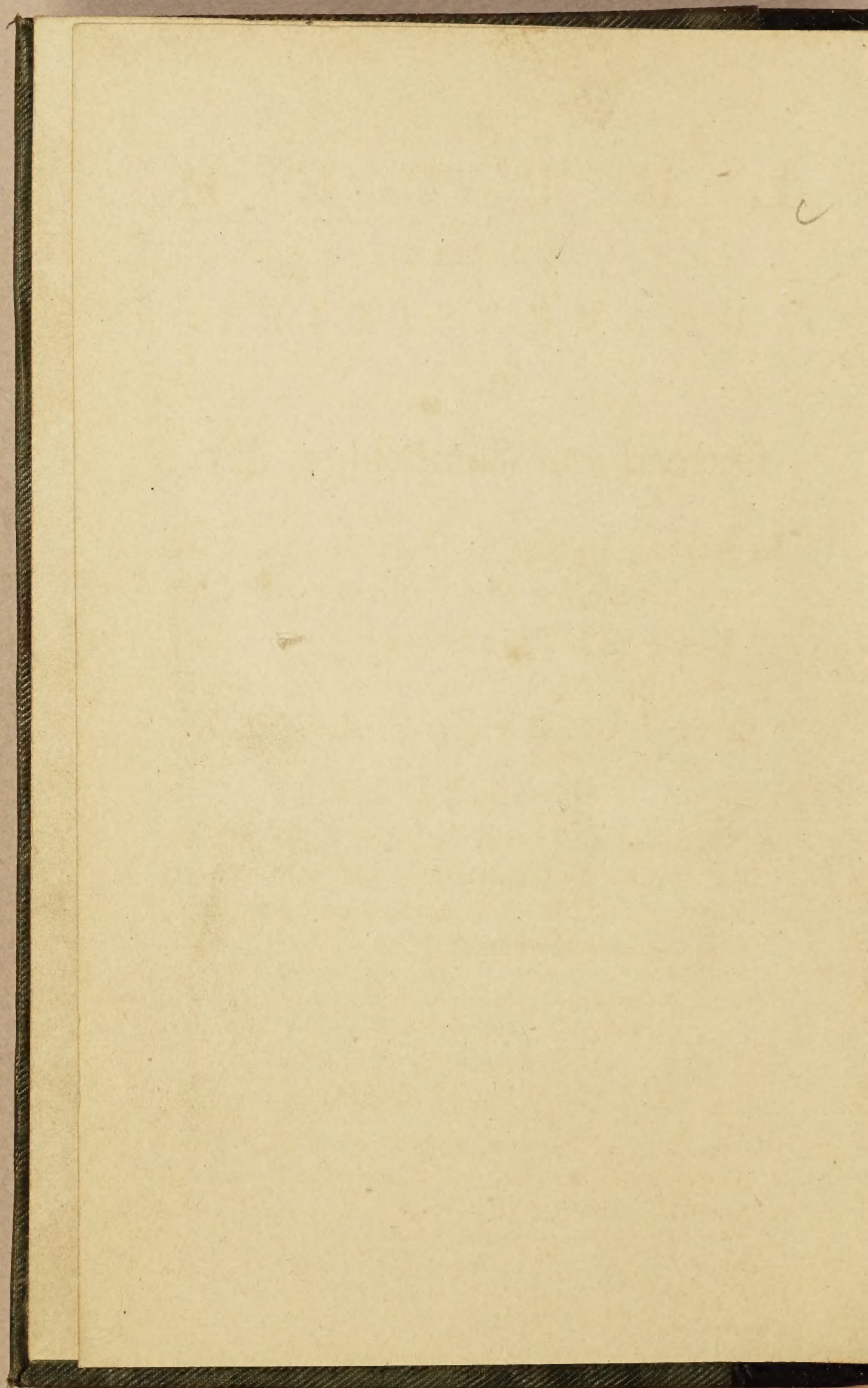
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John Carter Brown.





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L E T T E R

TO THE
UNIVERSITIES
OF

Oxford *and* Cambridge, &c.

In respect to the COLLECTION that
was made for the Colleges of NEW
YORK and PHILADELPHIA.

By Sir JAMES JAY, Knt. M. D.

BEING

A Vindication of the AUTHOR, occasioned by
the groundless Insinuations, and very illiberal
Behaviour of Mr. Alderman TRECOTHICK,
with authentic Evidence.

*Is there Hypocrisy so foul as this?
So fatal to the Welfare of the World?* YOUNG.

L O N D O N :

Printed for G. KEARSLEY, at No. 46, in Fleet-Street;
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COOKE, at the Royal Exchange.

M.DCC.LXXIV.

1871



[1]

TO THE
UNIVERSITIES
OF
OXFORD and CAMBRIDGE,

The Nobility, Clergy, Gentry, and Others,
Who contributed to the Collection that was made
in the Year 1763, for the Colleges of NEW
YORK and PHILADELPHIA.

THE reputation of an individual is seldom of much consequence to the community, and, in general, meets with little attention from the bulk of mankind. Notwithstanding this, when occasion has been maliciously taken from a man's transactions in a public cause, to injure him in so tender a point, it may be presumed that every person of sensibility and honor, from principles of public justice and public spirit, will candidly receive what he shall offer in his vindication. They can make the case their own; and feel the injustice of countenancing, or even carelessly admitting, an injurious suspicion against a man, who, instead of censure or calumny, may have merited esteem. This candor and attention may more particularly be expected from men of learning and of a liberal turn of mind; especially when the best endeavours of the injured party have been employed in a public undertaking for the advancement of Letters and Humanity. It is in this expectation only,

B

that

that I address this Vindication to you ; and I hope these reasons would acquit me of obtruding it either on you or the public, even if the circumstance of my having solicited the patronage and assistance which you gave to the undertaking, did not render it incumbent on me to demonstrate to you the rectitude of my conduct in the discharge of it.

URGED by a regard for the introduction and cultivation of Letters in a new country, I undertook the disagreeable and laborious task of making a collection in this kingdom, for the college of New York. Unhappily, a misunderstanding was excited, in the course of it, between the Governors of that seminary and myself ; and as the cause and nature of it were either concealed or misrepresented, it furnished ample room for traducing me both in these kingdoms and in America. The case was thus : At a time when the most perfect harmony subsisted between those gentlemen and myself ; when they had not only approved of my conduct, but repeatedly thanked me for the unwearied attention I had paid to their interest, Mr. Trecothick, alderman and representative of the city of London, without saying a single word to me, or to any other person concerned in the collection, *insidiously* intimated, not by advices openly addressed to the governors themselves, or to the committee appointed for the business of the collection, but *clandestinely*, in letters to some of his particular friends, that the governors should draw for 4000 £. when in fact there were but 1500 £. in bank ; and likewise threw out some insinuations, implying that the money was unsafe in my hands.

WHEN

WHEN detraction originates from a man of grave character, it finds easier admission among mankind, who do not, in general, consider that the appearances of virtue are not always proofs of its existence. It is an old Observation, that no man is known till he is tried or detected.

“ For neither man nor angel can discern

“ Hypocrisy ; the only evil that walks

“ Invisible, except to God alone. MILTON.

THERE are indeed too many instances of men, who assuming the appearance of probity and honor, and affecting sanctity of manners, have privately committed the most unjustifiable actions under that specious veil, till some unexpected circumstance has unmasked the Hypocrite, and exposed his turpitude to public view. Though it is difficult to detect such an impostor, yet a tolerable judgment may be formed of a suspected person, by comparing his private transactions with his public demeanor. All, even the most private and unguarded actions of a man of virtue and honor, are ever uniformly consistent ; whereas those of an impostor, which he thinks are secure from public inspection, betray a disposition utterly incompatible with the character he assumes. When therefore a person of reputed character is accused of an unwarrantable action, a candid and sensible man will judge of the possibility of the fact, and of the intention of the party, not from his external appearance, or his most solemn asseverations, but from the evidence of the fact's having been committed, and the clear, manifest tendency of it, and of his whole behaviour in the affair.

BUT to return to our immediate subject: However incompatible Mr. Trecothick's insinuations were with my established character, and with my conduct in this affair, the Governors, not conceiving it possible that any man in the rank of a gentleman could transmit such insinuations, unless there were some grounds for them, thought it most prudent to draw for that sum; and unfortunately avoided giving me the most distant hint on whose information they acted, lest it might embroil a person to whom they then thought themselves obliged: assigning only some reasons for their drawing, which were calculated to disguise, rather than to explain the transaction.

It is easy to be conceived that this procedure of the Governors could not be pleasing to a man who had given proofs of the most disinterested attachment to the undertaking, and was still sacrificing his private interest to promote its welfare. Nor will it be difficult to conceive, that under the impressions of Mr. Trecothick's insinuations, the Governors should, from time to time, give me further cause of dissatisfaction. The truth is, by his indirect practices he incensed us against each other; and excited a misunderstanding, which, through his subsequent management, occasioned a suit in chancery, and many other evil consequences. In the mean while it was reported, that I had defrauded the charity of several thousand pounds, and refused to come to a settlement, or even to render an account. Not to imitate him in the practice of insinuation, I do not charge all these reports upon Mr. Trecothick; and to be as plain on the other hand, I cannot acquit him of any one of them: Let the reader judge for himself. Independently

dently of these reports, his conduct, even in the first instance, must raise indignation in every honest mind: and no less curiosity to know what could be the motives to so abject and inhuman a traduction. To unravel this, I shall relate the reason he has assigned, and make a few remarks upon it. You may then perhaps be able to determine, whether that reason, though so solemnly asserted, is not rather a *subsequent* apology for the fact, than the *original* motive to it: and whether any thing else than the workings of a little soul to gratify causeless malice and resentment, prompted him to so foul a deed.

FOR the better understanding Mr. Trecothick's behaviour, I must observe, that although the Hon. George Clarke, Esq; the late Robert Charles, Esq; Mr. Trecothick and Mr. Franks, were authorised by the governors to collect as well as myself, I was considered by all parties (except perhaps Mr. Trecothick) as the principal agent, and acted as such. That the general conduct of the collection was expressly committed to me alone by the governors. That instructions were given to me only. That I was not *enjoined*, or even *desired*, to consult, nor was in any wise *connected* with those gentlemen, except merely in one point "*so far as should regard the collections in London.*"—That the collection was made both by private applications and by Brief. That the Trustees in the Brief, and Mr. Trecothick himself as one of them, had, prior to Mr. Trecothick's sending his intimation and insinuations, legally delegated their authority to transact all the business of it to Dr. Smith (who acted for the college of Philadelphia) and myself. I mention these particulars to shew that Mr.

Trecothick had *no right* to give directions about any money except what *he* had personally collected, or been concerned in collecting: nor to interfere in my conduct: And that his going beyond the bounds of candor and politeness to me and all the other gentlemen concerned in the business, to do either, can only be referred to a principle unworthy a gentleman.

To justify his conduct, Mr. Trecothick has solemnly sworn in chancery, that he gave his information, as he calls it, to draw for £4000 “ from a *just* apprehension “ that the money which was in my hands (£1500 as I “ have said, and he knew there was not more) was too “ large a sum to be entrusted with me, or with any other “ person in my situation and circumstances.”---Despicable as this assertion is, yet for the sake of those who do not know Mr. Trecothick or myself, I shall bestow a few serious observations upon it.

THAT a cunning man often betrays himself, and that a person who is guilty of one falsehood, is under a fatal necessity of committing many more to justify the first, are established maxims. I appeal to the common sense of mankind, whether it be probable that Mr. Trecothick, who did not know me, could really believe what he has alledged, in opposition to the public and private recommendations in my favor, of a large body of the first people in the country from whence I came; who, he must have presumed, knew my connections, situation, and circumstances, better than he did? Gentlemen who had entrusted to me, independently of himself or any other person, the general conduct of the undertaking; not even

excepting that very point, the management of the money, on which Mr. Trecothick pretended to have his *just* apprehensions. Is it not reasonable to think, and must he not have thought, they would not have reposed that unlimited trust in me, if they had doubted either my integrity or prudence ?

NOTHING but the necessity of vindicating myself, could have induced me to offer any thing that might subject me to the imputation of being my own panegyrist: this, I hope, will acquit me of so ridiculous a vanity. Had Mr. Trecothick made the least enquiry about me, from persons qualified to inform him, he would have learned the contrary of what his pretended apprehensions imply. He would have learned, that in point of family and connections, I was upon a footing with the first people in the country from whence I came; and that my father was a man of no inconsiderable fortune. With respect to myself, he had the Declaration of the Governors themselves to the Universities and other respectable Societies, to some of the first Characters in the Nation, and even to the Public at large, that I was a gentleman of a liberal education, and of eminence in my profession. Had he gone further, and enquired more particularly into my situation and connections in America and in England, he would have been informed, that, notwithstanding my youth, I was, in point of character and business, among the first Physicians in the city where I resided: and that I had moreover a natural right to some considerable expectations. Allow me to add, he would have learned that I had not a merely unexceptionable character. I defy him to name a single action that impeaches my honor or integrity. I call upon him to give evidence to support his insinuations, declarations, and
pre-

pretended *just* apprehensions : and I take the liberty to remind him, that when a man has sworn to facts, circumstances, and *just* apprehensions, which are thus publicly asserted to be without foundation, it is essential to his reputation to prove the truth of them.

I submit it, whether Mr. Trecothick, in this solemn justification, has not indirectly sworn his assent to a principle, which, if he really believes, pays an ill compliment to his heart as well as to his understanding: if he does not believe it, the inference is clear. This gentleman, it seems, in considering whether a young man may be safely trusted, is determined in the affirmative, not by the education of the party, the character he sustains, and the recommendation or testimony of those who have known him from his youth, but by the property he is worth ! Whence could Mr. Trecothick have derived this sentiment ? We cannot apply to him the remark of Shakespeare, that great judge of mankind,

“ Suspicion always haunts the guilty mind :

“ The thief still fears each bush an officer.

It is as difficult to conceive he could imbibe it from mere reflection. It may therefore be presumed he learned it by his own experience. The opinion to be sure is very singular. It looks as if Mr. Trecothick knew some person in trade, who had raised himself from poverty and obscurity to wealth and notice, not merely by the fair and honest arts of trade and industry : or perhaps being illumined, like the saints, with a light within, he had an internal conviction of the truth.

Is it reasonable to suppose that Mr. Trecothick, or any other man of business, would have *clandestinely* insinuated

finuated to the governors, that they should draw for 4000*l*. when there was only 1500*l*. in hand, if he had no other view in giving his information than to serve the interest of the charity? Why this precipitancy? Supposing he went on a presumption that there would be so much money in hand by the time the bills would arrive; supposing also that he had some grounds for his *just* apprehensions, and thought it improper to have an explanation with me about them, or even to hint his doubt to me on that head, why did he not at least acquaint me that he intended to direct the governors to draw for that sum? He saw me frequently, but never gave me the least hint of what he intended to do, or had done. Why all that reserve and secrecy? Besides, if he really had the apprehensions he pretends, and was too delicate even to hint them to me, why did he not advise with some one at least of the gentlemen named in the Power of Attorney from New York, or with some of the Trustees in the Brief, what ought to be done in that conjuncture, instead of proceeding in the insidious manner he did? Why conceal his apprehensions and intentions from them all? Politeness, as well as his duty to the Charity, required him to communicate both, and to advise with them on such an extraordinary occasion. Did the interest of the Charity induce him to break through all these considerations, or is it likely he was afraid those gentlemen would frustrate his scheme of traducing my character?

To illustrate these observations, I shall touch on a few instances of Mr. Trecothick's conduct respecting the suit in chancery; in order to shew whether it was that of a man disposed to heal a breach he had innocently occasioned; or of one who endeavoured to keep up and

increase the animosity he had purposely excited. And even here it will be found, that he contrived to render the course of justice and the law subservient to his malicious purposes.

————— “ abundant cuncta furore,
 “ Et fas atque nefas mistum, legesque per ipas
 “ Sævit nequities. —————

The governors, in the heat of resentment, sent Mr. Trecothick a Power of Attorney to settle accounts with me, but with an instruction to insist, as a Preliminary to any settlement, on my first paying 1000 *l.* for some bills which I had protested, because I had not money of theirs to pay them. On the arrival of this Power in London, I came up from Bristol on purpose to settle the affair with Mr. Trecothick. He himself had stated an accurate account of the whole collection * a year before. He therefore knew what money had been received and remitted, and what remained in my hands. The *only* article of account that remained unadjusted and that could admit of dispute, was the allowance that was to be made me for my expences and loss of time. I offered to leave that point, if he would waive the Preliminary, to the (late) Archbishop of Canterbury, or to any two or three gentlemen his Grace would name; to any two
 or

* A meeting was held for that purpose between the Hon. Mr. Penn, Mr. Trecothick, and myself. After all the papers and vouchers were respectively examined by each of us, Mr. Trecothick drew up the account, and afterwards sent a fair copy of it, in his own hand writing, to Mr. Penn, and another to me.

or three gentlemen he himself would appoint ; nay even to himself alone. Notwithstanding so candid a proposal, in a short time he gave orders to his attorney to threaten me with a suit ; the menace was repeated, and the suit was at last commenced. It is to be observed that Mr. Trecothick, at *that* time, allowed, and has since admitted on *oath*, that he thought the Preliminary unreasonable, but pleaded the instructions of the governors in excuse for not dispensing with it. I readily allow he could not dispense with it ; but does it therefore follow that he was obliged to bring the suit, because I would not comply with an unjust demand ? Would any man, unless he was urged by malice or some such sordid passion, enforce a demand which he knew to be unjust and unreasonable, especially when the other party had offered what was not only just and reasonable, but even generous ?

A malignant mind seldom sticks at any thing to gratify its rancour. It can even stoop to a paltry quibble for the inhuman purpose of defamation. Notwithstanding he drew up the account with his own hand, and every Article was adjusted except the one just mentioned, he had that tender regard to truth and justice as to report that I refused to render an account.

If Mr. Trecothick brought the suit against me contrary to his own inclinations, in obedience only to his instructions ; if he really wished to prevent its going on, and to heal the difference between the governors and myself ; would he not, as soon as he should have been authorised to relinquish the preliminary demand, and to settle the affair at his own discretion, in an amicable

way, have apprized me of it, in order to effect an accommodation?

BUT how did he act! Soon after the suit was commenced, before any thing more was done in it, while the governors were yet ignorant of the step he had taken, he received such authority from them. When they afterwards heard that he had commenced the suit, they writ to him that they should be glad if matters could be amicably terminated. But notwithstanding all this, he suffered the suit to go on, without even acquainting me that he had permission to come to an amicable settlement.

HE has on some occasions very piously urged his duty to the charity, and his great concern for its interest: These instances are, no doubt, infallible testimonies of both! Not satisfied with thus preventing an accommodation, he procrastinated the suit some years, by keeping back the bill I filed against the governors; and which ought to have been sent to them immediately. Perhaps when it is known that the bill was intended to scrutinize into and to discover Mr. Trecothick's insinuations, letters and transactions, there may be no difficulty to account for its detention.

AFTER these remarks on his avowed motives, and on his behaviour, I believe you will look for some other cause for such unparalled enmity and virulence. For the honor of human nature, I could almost wish that I had given him provocation sufficient to afford some pretence for them. Yet I know of no other cause for all this vindictiveness and malice, than that I put the money, as it was collected, into Mess. Drummond's hands, and not into his own.

“ Quid

——“ Quid non mortalia pectora cogis
 “ Auri sacra fames !”

Whether he had need of the money, I know not. It is certain that the richest men, when engaged in extensive commerce and contracts, sometimes do want money: And it is also a well known truth, that riches are no proof of a man's honesty, nor a security against his knavery.

WHATEVER may have been his inducement to act as he has done, the Facts I have mentioned, are not to be contradicted. Having lately made a voyage to America, I had an opportunity of discussing every point with the governors themselves. But to remove all doubts respecting Mr. Trecothick's conduct and my own, on essential points, I insert the following Papers.

Minutes of the Proceedings of the Governors.

At a Meeting of the Governors of King's College in the City of New York, on Thursday the first Day of July 1773.

PRESENT,

His Grace the Archbishop of Canterbury (by his Proxy)
Dr. Cooper.

The Speaker of the General Assembly.

The Mayor of the City of New-York.

The Rector of Trinity Church in the City of New-York.

The Senior Minister of the reformed Protestant Dutch Church in the said City.

The Minister of the antient Lutheran Church in the said City.

The President of King's College in the said City.

Col. De Lancey,
Mr. Livingston,
Mr. Lispenard,
Capt. De Lancey,

The Rev. Dr. Ogilvie,
The Rev. Mr. Inglis,
Mr. White,
Mr. Jacob Walton.

THE Rev. Mr. Inglis, Chairman of the Committee appointed on the 18th day of February last, to confer with Sir James Jay on the matters in dispute between him and this Corporation, delivered in a Report in writing, bearing date the 5th day of March last, which being read, the same was ORDERED to be Confirmed and Entered in the Minutes, and is in the words following, (*to wit*)

To the Governors of the College of New York.

“ Gentlemen,

“ PURSUANT to the annexed Order, the Committee
“ do report, that after conversing with Sir James Jay,
“ and

“ and hearing read various letters and papers, relative
 “ to his conduct and proceedings abroad, whilst he was
 “ engaged in the business of the college, and having re-
 “ ceived full and candid answers to all such questions as
 “ were asked him, They are of opinion from the above
 “ information, as well as from the declaration of some
 “ of the *then* members of the Corporation, that when
 “ the Governors drew for 4000*l.* it did not proceed
 “ from any distrust of his integrity; but was in conse-
 “ quence of advice received from England: And that
 “ notwithstanding the differences which unhappily arose
 “ between Him and the Board of Governors, he shewed
 “ himself a warm friend to the Interests of the college,
 “ and discharged the trust reposed in him with Fidelity
 “ and Honor.”

“ THAT Sir James Jay having delivered a Paper to
 “ the Committee, conceived in the words following,”
to wit, ‘ Gentlemen,—The sole view I had in the con-
 ‘ troversy between the governors and myself, was to
 ‘ clear my reputation from the aspersions cast on it in
 ‘ consequence of certain measures of the governors that
 ‘ indirectly impeached my integrity. As the gentlemen
 ‘ who were concerned in those measures, have declared
 ‘ to me that they were not influenced in any of them by
 ‘ a distrust of my integrity imbibed from any part of my
 ‘ conduct, but merely from the hints of Mr. Treco-
 ‘ thick: And as there appears a disposition in the Board
 ‘ of governors to do full justice to my reputation, I
 ‘ cheerfully submit the matter of property to their own
 ‘ determination. It never was an object with me; and
 ‘ I beg leave to assure you, gentlemen, that I am as
 ‘ much

“ much uninfluenced by pecuniary considerations in the
 “ settlement of this controversy, as I was formerly un-
 “ biaſſed by ſelfiſh views, when I voluntarily ſacrificed
 “ my own intereſt to promote that of the college.

Feb. 24, 1773.

JAMES JAY,

“ THE Committee are therefore of opinion, that he
 “ hath made a very diſinterreſted and generous propoſal;
 “ and that he ſhould be allowed for his loſs of time and
 “ expences, jointly conſidered, the ſum of 790 Guineas;
 “ and that upon paying to the college treaſurer, the
 “ balance of the monies remaining in his hands, mutual
 “ releaſes ſhould be paſſed between Sir James and this
 “ corporation.

“ ALL which is nevertheleſs ſubmitted this fifth day
 “ of March, in the year of our Lord 1773.”

Signed,

<i>Samuel Ver Planck,</i>	<i>Thomas Jones,</i>
<i>Myles Cooper,</i>	<i>Gw. Banyar,</i>
<i>Whitehead Hicks,</i>	<i>Wm. Walton.</i>
<i>Charles Inglis,</i>	

ORDERED, That Sir James Jay be furniſhed
 with a copy of the ſaid Report and Order, under the
 ſeal of this Corporation.

Lambert Moore, Secretary.

Releaſe to Mr. TRECOTHICK.

AT the requeſt of the governors of the college of the
 province of New York, in the city of New York, in
 America, I do hereby releaſe, diſcharge, and for ever
 quit

claim unto Barlow Trecothick, Esq; of the city of London, all actions, and causes of actions, which I have or may have against him, by reason of any thing which he writ to them or either of them, respecting me.

Signed, *James Jay.*

New York, July 1, 1773,
sealed and delivered in the
presence of

Lambert Moore,
Robert Hull.

IN respect to these proceedings, I beg to remind you, that although I refused to come to any settlement, while so unreasonable a demand as the preliminary article was insisted upon, I always offered, if that was withdrawn, to leave the matter of property to any gentleman whatever. When I was lately in America, I was induced from the appearance of candor in the governors, to leave it to themselves. Delicacy forbids me to say more.

As for the Release to Mr. Trecothick, considering that he was the Author and Instigator of all the mischief, perhaps the governors carried their tenderness too far in interposing to save him from being prosecuted on that account, and in requesting of me a formal discharge for that purpose. For my part, the desire of clearing my reputation, suppressed all other considerations: I yielded to their request, because it afforded, without further delay, a decisive proof of the nature of

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his

his insinuations, and by that means rendered my justification more complete.

THUS were my best endeavours in so liberal a design, made instrumental of the greatest injuries to myself. Unused to the language of complaint, I leave the reader to make his own reflections on that head: It has been my aim in the composition of this piece, to appeal to the reason, not the passions of mankind. Professions are often vain, mere artifices to serve selfish purposes on a particular occasion. It may perhaps be thought that I have assumed, with that view, the regard for letters and the interests of humanity, by which I assert myself to have been influenced. I could easily remove such a suspicion, if after the confession of the governors of my warm friendship for the interest of the college, or as it should have been, for the interest of Learning, it would not look like offering sacrifice to my own vanity.

I cannot help observing, that however justly reprehensible the governors of the college were in some of their transactions, yet when it is considered they were misled, and kept in the dark by Mr. Trecothick, some allowance is to be made for them. Nor can I omit, on this occasion, to correct an error of my own respecting the Rev. President of the college. In my printed letters to the governors I asserted,—“ That the professors in the
 “ college had not shewn the least sense of the obligations
 “ the seminary owed to this kingdom; nor had a single
 “ pupil been taught to celebrate the benevolence of this
 “ country,

“country, or to utter the gratitude of their own.”—I had been told so, but on my return to America, I was assured that it had been the custom, at every annual commencement, to commemorate the signal favors which the institution had derived from the mother country.

WHEN I reflect on the Controversy we have now seen concluded; how maliciously it was excited; how wickedly and deliberately it was protracted; the expence it has cost the Charity; the discouragement it may be to similar applications for the like purposes: that it occasioned an animosity between the governors and myself, which extended to individuals, and was likely to have produced the most serious consequences: when I consider that these complicated mischiefs, independently of the trouble and injury I may have sustained, were all owing to one man, an elderly man! who assumes a sanctity of manners, is a communicant of the church, a member of the society for propagating the gospel, and foremost in all works of grace and charity that are done before the public eye: when, I say, I reflect on all these circumstances, a passage in Plutarch presents itself to my mind, with which I shall conclude this address.—“Some men are born with an innate depravity of
 “mind. Restrained by law, education and custom,
 “they so artfully conceal their propensity to villainy,
 “and put on the appearance of probity and honor, that
 “they seem to have entirely overcome their natural disposition. Thus they disguise themselves many years;
 “privately committing the most atrocious crimes under
 “the cloak of virtue. For wicked men do not become
 “such

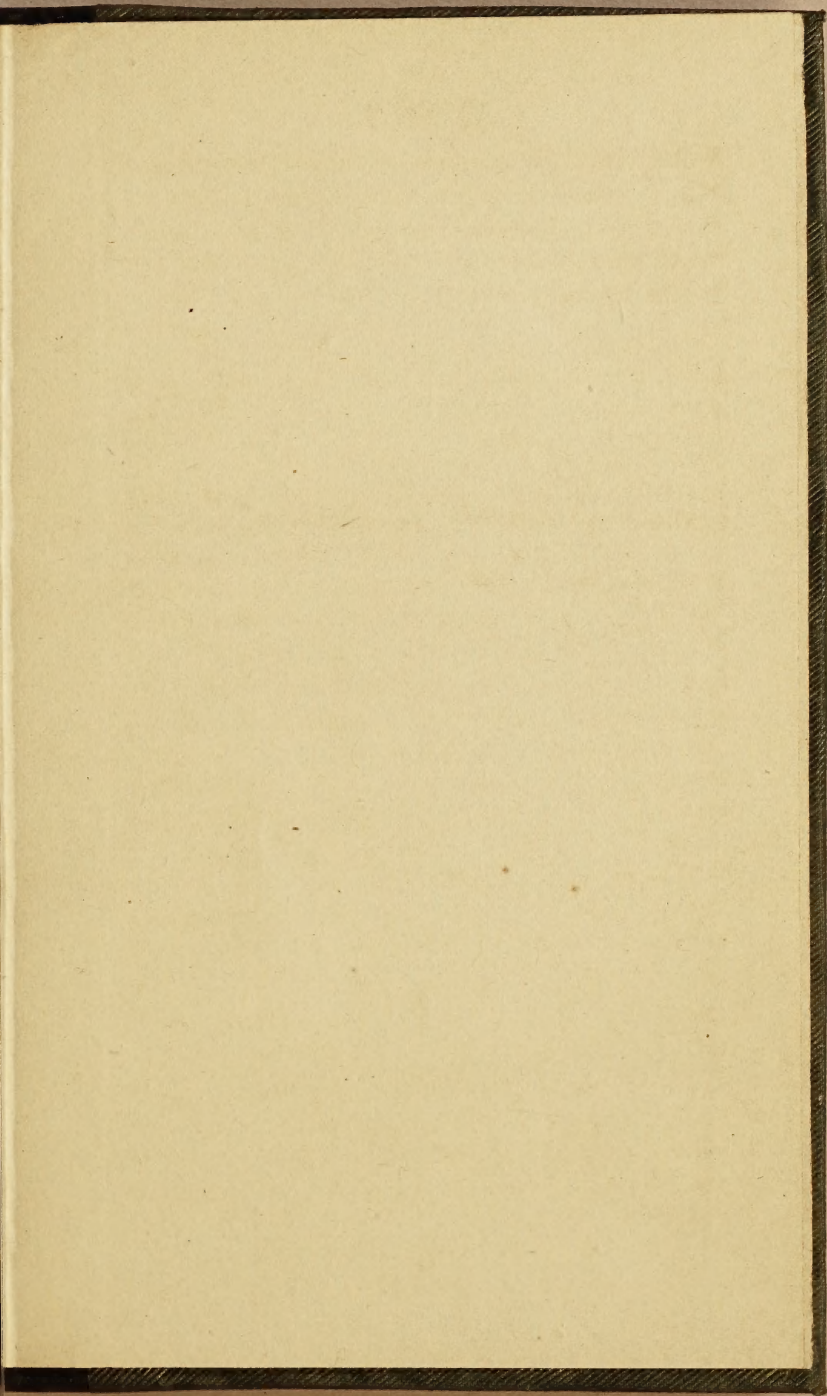
“ such just at the time they are detected; but retaining
 “ from infancy their original depravity, watch for
 “ times and opportunities to accomplish their designs :
 “ the lesser Villain to despoil his neighbour, the Ty-
 “ rant to trample on the Law*.”

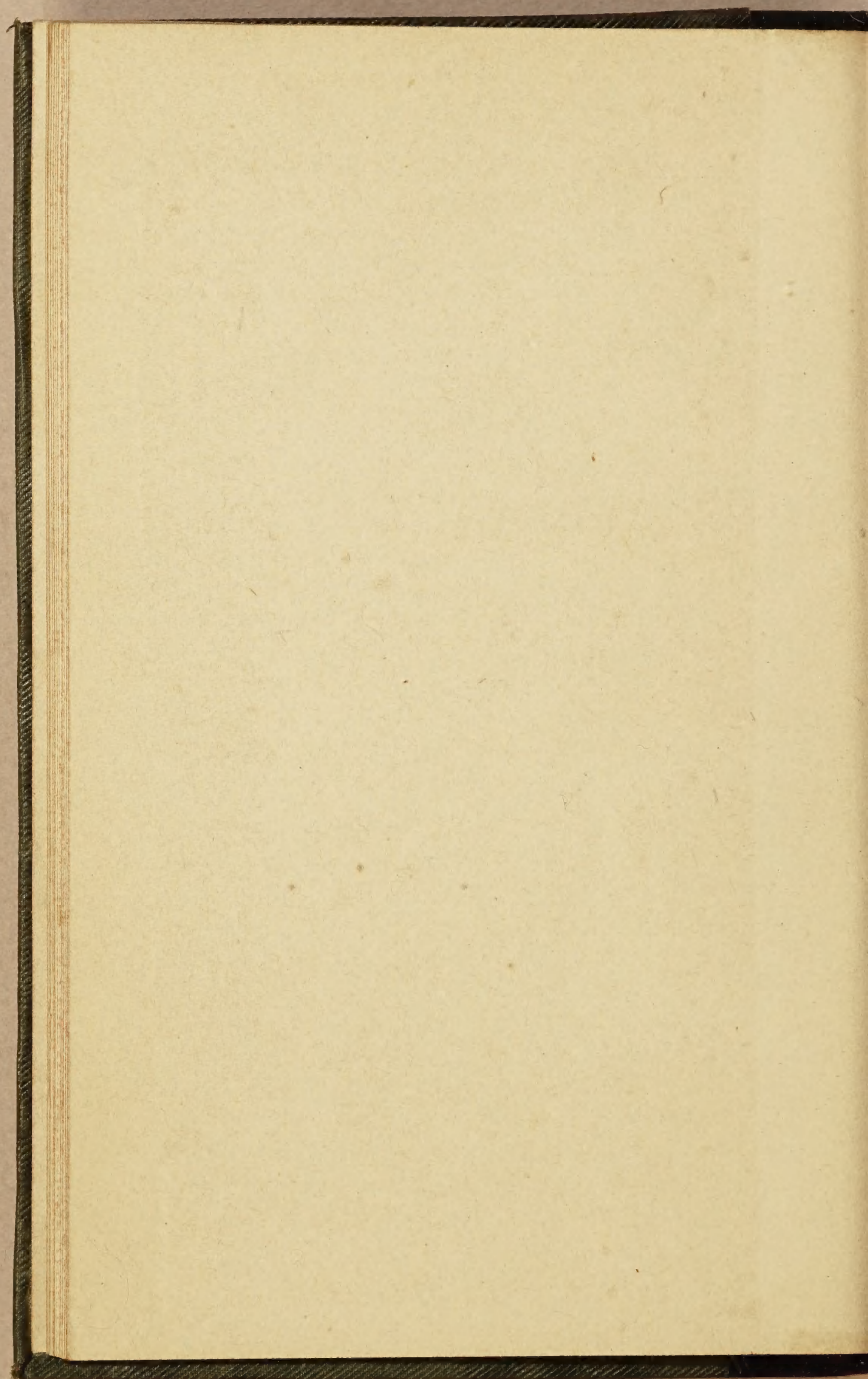
* At humana natura, moribus, doctrina & legibus con-
 stricta, sæpius scelera occultat, ac probitatem honestatemque
 præ se ferre videtur, ita ut penitus innatam pravitatis macu-
 lam delevisse, sceleraque fugasse credatur. Multo enim sæpe
 latet tempore, ac tanquam velamine obducta, universa fla-
 gitia clanculum celasseprehenditur. Non enim sceleratus
 quisque pariter sit ac manifestus redditur, sed ab initio in-
 tam retinet pravitatem, tempore vero, dataque opportunitate
 ac facultate, Fur furripit, Tyrannusque leges transgreditur.

Pall-mall, Jan. 1, 1774.

JAMES JAY.

FINIS,





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